

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAY 03 2007

at 11 o'clock and 30 min. a.m.  
SUE BEITIA, CLERK

Attorneys for Plaintiff  
SYNAGRO TECHNOLOGIES, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SYNAGRO TECHNOLOGIES, INC.,	)	CIVIL NO. CV04-00509 SPK LEK
	)	
Plaintiff,	)	<b>STIPULATED DISMISSAL OF</b>
	)	<b>CLAIMS BY PLAINTIFF SYNAGRO</b>
vs.	)	<b>TECHNOLOGIES, INC. AGAINST</b>
	)	<b>DEFENDANT GMP HAWAII, INC.</b>
GMP HAWAII, INC.,	)	<b>WITH PREJUDICE</b>
	)	
Defendant.	)	
	)	

**STIPULATED DISMISSAL OF CLAIMS BY PLAINTIFF  
SYNAGRO TECHNOLOGIES, INC. AGAINST DEFENDANT  
GMP HAWAII, INC. WITH PREJUDICE**

Plaintiff SYNAGRO TECHNOLOGIES, INC. ("Synagro") and  
Defendant GMP HAWAII, INC. ("GMP"), by and through their respective  
counsel, HEREBY STIPULATE to dismiss the claims set forth in Synagro's

Complaint against GMP with prejudice. These are the only claims remaining in this action.

On August 18, 2004, Synagro filed a Complaint against GMP asserting claims for declaratory judgment and tortious interference with economic advantage. On September 2, 2004, GMP filed its Answer to the Complaint and a Counterclaim against Synagro alleging it had an implied contract with Synagro related to a wastewater treatment bioconversion facility.

On September 15, 2005, Synagro filed a Renewed and Supplemented Motion for Summary Judgment on GMP's Counterclaim. On January 11, 2006, the Court issued an Order Granting Synagro's Renewed and Supplemented Motion for Summary Judgment on GMP's Counterclaim.

On March 30, 2006, the Parties entered a "Stipulation and Order to (1) Vacate Trial Date, Trial-Related Deadlines, (2) Set Briefing on Plaintiff's Motion for Attorneys' Fees and costs, and (3) Dismiss Claims" ("Stipulation and Order"). This stipulation provided *inter alia* that Synagro would file a Motion for Attorneys' Fees and Costs and

[a]fter the Court has rendered its final decision and order on Plaintiff's Motion the Parties will dismiss the remaining claims in this action with prejudice. Thereafter, an appropriate final judgment will entered based upon the foregoing.

Thereafter, Synagro filed a Motion for Attorneys' Fees and Related Non-Taxable Expenses with a separate Bill of Costs, which was granted in part

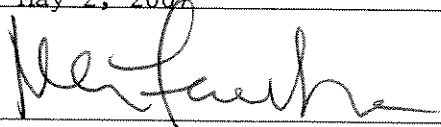
and denied in part in the "Report of Special Master on Plaintiff's Amended Motion for Attorneys' Fees and Related Non-Taxable Expense", filed on January 23, 2007.

On February 2, 2007, GMP filed a "Motion to Modify Report of Special Master on Plaintiff's Amended Motion for Attorney's Fees and Related Non-Taxable Expenses." On March 15, 2007, the Court issued an Order Denying GMP's Motion to Modify the Report of the Special Master. In that Order, the Court stated in relevant part:

There is now a 'final decision' as contemplated by the parties in their March 29, 2006, Stipulation and Order. The parties should now proceed to comply with Paragraph (4) of that Stipulation and Order (regarding dismissal of the remaining claims). After such compliance, judgment shall [be] enter[ed] in the amount of \$58,546.72, which represents attorneys' fees of \$53,214.82, taxable costs under § 607-14 of \$242.94, and an additional \$5,088.96 in taxable costs under Fed. R. Civ. P. 54(d)(1).

Pursuant to the Court's Order and to facilitate the entry of judgment, the Parties hereby stipulate to dismissal, as stated herein.


Honolulu, Hawai'i, May 2, 2007

  
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PAUL ALSTON  
MEI-FEI KUO  
Attorneys for Plaintiff  
SYNAGRO TECHNOLOGIES, INC.



TATYANA CERULLO  
Attorney for Defendant  
GMP HAWAII, INC.

APPROVED AND SO ORDERED

  
JUDGE OF ABOVE-ENTITLED COURT

*Synagro Technologies, Inc. v. GMP Hawaii, Inc.*, Civ. No. CV04-00509 SPK LEK;  
STIPULATED DISMISSAL OF CLAIMS BY PLAINTIFF SYNAGRO TECHNOLOGIES,  
INC. AGAINST DEFENDANT GMP HAWAII, INC. WITH PREJUDICE